IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1456 OF 2003

The State of Maharashtra ...Appellant

vs.

Dnynoba Baban Chavan & Ors. ...Respondents

Mr. S.V.More,A.P.P.for the Appellant
Mr.Ganesh Bhujbal with Mr.Prakash Naik for Respondent Nos.1 to 3.

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 20,2006.

P.C.:

1. Heard learned A.P.P. on the prayer for grant of leave. The Respondents have been acquitted for the offences punishable under sections 323, 504 and 506 read with section 34 of the Indian Penal Code. After having heard the learned A.P.P. and after perusal of impugned Judgment and order and notes of evidence, I find that no case is made out for grant of leave.

2. P.W.No.4 Namdev Chavan is the injured person. There are two inconsistent versions of P.W.No.4 on record. One version is that the Respondent No.1 assaulted him by iron bar on his left leg. The other version is that the Respondent No.1 assaulted him by handle of whip. The evidence of P.W.No.6 Dr.Suresh Shahane is also not helpful to the prosecution. He stated that he was unable to state the age of injuries.

3. Considering the evidence on record the learned Trial Judge has disbelieved the prosecution case. I find no fault with the view taken by the learned Trial Judge which could have been taken on the basis of evidence on record. No case is made out for grant of leave. Appeal is dismissed.

JUDGE